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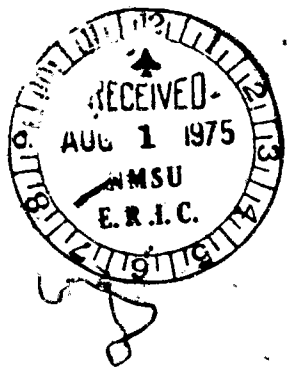
ABSTRACT

Analyzing the Indian Education Act of 1972, this report presents both historical background and future projections relative to the Act. The history of the Act is presented in terms of discussion on: (1) Legislative Preparation; (2) Hearings; (3) Drafting and Passing the Bill; (4) Appropriating Funds; (5) Rescinded Funds; and (6) Funding for 1973. Analysis of the Act is presented as follows: (1) Discussion of Parts A-E; (2) Purpose and Policy of the Advisory Council (Forming the Office of Indian Education and Funding Initial Grants); (3) The Long-Run Promise of the Act (Entitlement); and (4) The Outlook for Fiscal 1974 (Funding, Program Direction and Priorities, and Issues to be Resolved). Presentation of future projections relative to the Act include sections on the following: (1) Characteristics of the Native American Population (Languages, Participation in the Economy, Health and Longevity, Birth Rate, Infant Mortality, Adult Causes of Death, Communicable Diseases, Age Composition and Life Expectancy); (2) Historical Background of Indian Education; (3) Indian Participation in the Educational System (Retention and Dropout Rates, The Quality of Education, Achievement Measures, Special Problems, and Ability vs Achievement); (4) Planning Priorities (A Planning Point Checklist); and (5) Role of the Indian Community (United Action). (JC)



THE INDIAN EDUCATION ACT OF 1972

A Brief History, Analysis, Issues and Outlook

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The Indian Education Act

The Indian Education Act of 1972 was signed into law on June 23, 1972. Even though the President did not request Congress to appropriate funds for the Act, the Senate Appropriations Committee voted $36 million for fiscal year 1973.[1] This amount was subsequently reduced to $18 million in a Joint House-Senate Conference Committee. However, the President's budget for fiscal year 1974 submitted in January, 1973, included a request that Congress take back the $18 million appropriated for fiscal 1973.[2] After extensive lobbying and legal action by Indian leaders and organizations, a court order was issued which directed the Office of Education to comply with the law and the wishes of Congress and the Indian people by implementing the Indian Education Act.

By June 30, 1973, approximately $18 million had been granted to fund some 600 projects across the nation, aimed at improving the quality and effectiveness of education for Native Americans. This new Act is important in several ways to American Indians and Alaska Natives.

If funded at its full potential, over $200 million will be available annually for the education of Native Americans. However modest in amount, it is important that the initial funds be used effectively, and that support be developed for expanded funding of the Act.

The Act provides for a significant role for Native Americans in the development and operation of each of several types of

projects. These provisions make possible important initiatives by the Indian and Alaska Native communities in giving local direction to new and more effective educational programs primarily for Indian children.

The Act creates a National Advisory Council for Indian Education composed of American Indians and Alaska Natives. The Council members are appointed by the President, and the Act makes specific provisions to fund the Council to perform an important national role in advising and providing policy guidelines to the Administration concerning the implementation of the Act for the benefit of American Indians and Alaska Natives. A new and significant avenue has thus been opened in the historic dialogue between American Indians and the government of the United States.

For these reasons, this report has been prepared for distribution by the National Advisory Council for Indian Education. Its primary purpose is to explain the background and provisions of the Indian Education Act, so that American Indians and other concerned citizens across the nation can help in achieving the promise of this new Act for the American Indian and Alaska Native communities.

The Indian Education Act: A Brief History

Legislative Preparation

Although passed in 1972, legislative preparation for the Indian Education Act can be seen as early as 1967. At that time, an Indian Education Subcommittee was established under

the Senate Committee on Labor and Public Welfare in response to increasing articulation of American Indian interests. The Subcommittee's initial task was to conduct a comprehensive study of the current status of the education of American Indians. First under the chairmanship of the late Robert F. Kennedy and later under the Honorable Edward M. Kennedy, the Subcommittee investigated, studied and held extensive hearings where they learned from American Indians, Alaska Natives, and other concerned citizens about the condition of Indian education. The final report of the Subcommittee, issued in November, 1969, called Indian education a tragedy and a challenge.[3]

Hearings for the New Act

Hearings before the Subcommittee on Education of the Committee on Labor and Public Welfare in the Senate were held on April 28, 29 and May 6, 1971 to consider amending the various acts which resulted in the Indian Education Act coming into law. An impressive group of witnesses was heard from, including representatives of the Office of Education, many Indians representing educational and social organizations, people concerned with education in general and Indian education in particular.

The principal witnesses for government organizations were the Honorable Sidney J. Marland, U.S. Commissioner of Education, and the Honorable Louis R. Bruce, Commissioner of Indian Affairs in the Department of the Interior. Both witnesses emphasized the interest of their departments in hastening Indian control

of education, sums of money being spent on Indian education, and the improvement of the general situation of Indian education. Both were asked probing and pointed questions by members of the Subcommittee which revealed that progress in supplying quality education to Indians is still woefully slow, and that the degree of Indian participation and control offered by current educational programs is - with a few notable exceptions - non-existent.[4]

Many other witnesses followed, including the President of the National Indian Education Association, the vice-president of the National Education Association, the vice-President of the National Congress of American Indians, and the president of the Americans for Indian Opportunity Action Council. All of the witnesses expressed approval of the spirit of the legislation under consideration, S. 659, recognizing the need for drastic improvement in the field of Indian Education. Some expressed reservations concerning specific measures provided in the legislation, most commonly a fear that the National Board of Indian Education would not be effective or independent or that it could not really speak for the needs of all Indians.

Several Indian educators involved with Indian schools testified as to the notable achievements of Indian schools where they were allowed to operate independently, and expressed the hope that this would be the case for all Indian schools as

soon as possible. Several young Indian students gave personal accounts which provided a general indictment of conditions in Indian schools run by the BIA.

Following the testimony, there appeared in the record a large number of documents received in connection with this bill. Many were telegrams, most supporting the legislation. They came from all over the U.S., from Indians and non-Indians. There were also many letters, from Indian tribes and councils, Indian individuals and non-Indians. Many supported the legislation completely. Many supported the legislation, but with reservations or suggested changes. Some, for example, thought that the National Board should be given less power; others feared that it would become as mired in bureaucratic procedures as the present BIA. A few letters were completely opposed to the new legislation. The basis for this opposition seemed to be a feeling that not all tribes had been adequately consulted and that each tribe has to make its own decisions regarding education for its members; a belief on the part of some that education should remain under the BIA; a feeling that this legislation would not really give enough latitude for independent action to Indians; a fear that money lost if present programs run by government agencies were terminated might not be made up under the provisions of the new legislation. There were many more letters in support of the bill, however, than opposed to it.

Drafting and Passing the Bill

Following the 1969 report, federal legislators began to draft a bill designed to address some of the major problems and issues which previous testimony had identified. S. 659 was originally introduced in 1971 by the Senate Committee on Labor and Public Welfare, and was referred to as the "Higher Education Act of 1971".[5] Because it dealt with Indian Affairs (education) and touched on some statutory authorizations that already existed for the Department of the Interior, a jurisdictional dispute occurred. The Indian Education provisions were then removed from S. 659 and reintroduced as S. 2482. This bill was passed by the Senate in October, 1971, with no opposition. In the meantime, a number of other Indian education measures were introduced, some of which incorporated parts of S. 2482. These legislative proposals, however, did not progress well and consequently never reached enactment. While a companion bill to S. 2482 was being considered in the House of Representatives, S. 659 was also being reconsidered as "Educational Amendments of 1972". Since S. 659 had made the rounds through both Houses of Congress and so was closer to being enacted than any other education bill, the provisions of S. 2482 were again included as Title IV of S. 659.[6] Hearings on this final version were held in January, 1972. In May, 1972, both Houses of Congress submitted and subsequently passed conference reports. S. 659 was sent to the President and was signed into law on June 23, 1972, becoming P.L. 92-318.

Appropriating Funds

Because the primary emphasis of the Indian Education Act is upon Indian children in public schools, the administering agency is the U.S. Office of Education, under the Department of Health, Education and Welfare (HEW). Normally, money for this Act would have been appropriated under a general HEW appropriations bill. However, the Indian Education Act was not signed into law in time to be included in the regular HEW appropriations bill so it could not be funded that way for the first year. Fortunately, through supplemental appropriations, Congress can add money to existing programs and make recommendations of its own about the level of funding for programs.

On September 15, 1972, a meeting of Indian leaders and organizations interested in implementing the IEA, discussed the fact that the Nixon Administration had not requested any appropriation for the Act for fiscal year 1973.[7] Congress does not usually appropriate money for an act if the President's budget recommendations do not request funds.

Another obstacle to be overcome was the fact that the majority of members of the Appropriations Committee, who would have to make the actual appropriation, did not have Indian constituents. Indian people concerned with the passage and implementation of the IEA realized that they would have to take the initiative if any appropriations were to be made for fiscal year 1973. Indian people and other concerned citizens wrote and contacted their Senators and Congressmen, urging them to

indicate to their colleagues on the Appropriations Committees the importance of funding the Act in fiscal year 1973.

Because the administering agency for the IEA was the Office of Education under HEW, appropriations had to be determined by the House and Senate Appropriations Subcommittees on Labor, Health, Education and Welfare. The House Subcommittee did not request any funds for the IEA. Fortunately, there was stronger support in the Senate. Public hearings took place October 6, 1972. Among those who testified before the committee as to the compelling need to fund the IEA that year were many Indian leaders. During the hearings, the fear was expressed that any money appropriated might be vetoed by the President because of his belief that Congress had already exceeded his budget recommendations. That weekend, nevertheless, the Senate Subcommittee voted to appropriate $36 million for the IEA for F/Y 1973. But since the House had not appropriated any money at all, it was necessary to make a final decision in a Conference Committee made up of members of the House and Senate Full Appropriations Committees. On Saturday, October 14, 1972, the Conference Committee convened, and the final decision was made to fund the IEA for $18 million. After this compromise level off funding had been agreed upon, the President's signature was still required. Letters and telegrams were sent to the White House by Indian groups and individuals from all over the country, urging the President to sign the bill. On October 31, President Nixon signed the appropriations bill, making it P.L. 92-607. Thus,

a second bill was now signed into law, which provided funds for the first bill which had established the Indian Education Act.

Funds Rescinded

After signing the Appropriations Bill on October 31, 1972, President Nixon then asked Congress in January, 1973 to "rescind" - take back - the $18 million that had been appropriated. When Indian tribes, organizations and individuals applied pressure to have the money released for funding, the Administration said that the funds could not be released until Congress acted on the President's request!

Two lawsuits were initiated to release the funds. The first was filed in January by the Native American Rights Fund on behalf of the Minnesota Chippewa Tribe, and the second was filed by four Indian lawyers on behalf of the Coalition of Indian-Controlled School Boards., A judge in the U.S. District Court in Washington, D.C. ordered the USOE to release and expend or obligate the funds for the IEA by June 30, 1973.[8]

Funding for Fiscal 1973

As a result of the lawsuits mentioned above, the money appropriated for F/Y 1973 was released and nearly 600 grants were awarded, totalling nearly $18 million. However, the future of the IEA is not yet secure. It came as a great shock to people concerned with the IEA that the OE's budget for F/Y 1974 did not request any funds for the IEA. OE testified during the budget hearings that the IEA was a duplication of services and that Indians were already eligible for $82 million worth of educational services from DHEW.[9]

However, the bill is now the law of the land, and through it, significant numbers of projects have been funded and are now in operation in its first year.

Analysis of the Indian Education Act

The Indian Education Act (passed as Title IV of Public Law 92-318, Educational Amendments of 1972) is intended to serve the educational needs of Indians. The act has three parts which cover three different kinds of grants and three different categories of applicants. Two other parts, not concerned with grants, will be discussed later.

Part A

Part A is intended to provide financial assistance to local LEA's to develop and implement supplementary educational programs designed to meet the special educational needs of Indian students.

1. Definitions of terms:

   LEA = a board of education or other legal local school authority which administers public education in a township, reservation, or other district. If the district is on or near a reservation, it does not have to have the status of "LEA", or can be one for less than three years, provided that a substantial number of Indian children are enrolled. Public Education is taken to mean elementary or secondary school but can also include children below Grade One, if this accords with a state's laws.

2. Entitlement: An LEA must have at least 10 Indian children, or have at least 50% Indian children enrolled. This requirement does not apply to Alaska, California, Oklahoma, or agencies on or in proximity to an Indian reservation.

To compute the amount of funds an LEA is entitled to, compute the amount of current expenditures during the second fiscal year preceding the year the computation is being made for, of all the LEA's in that state. Divide this sum by the number of children (all school children). This amount is considered the average per-pupil expenditure of the LEA. The LEA is entitled to this amount multiplied by the number of Indian children in the LEA.

In addition to the amounts authorized to LEA's, 5% of the total amount is to be set aside for entitlement payments to schools which are on or near reservations and which are not LEA's or have had LEA status for less than three years.

Example of entitlement under Part A, i.e., Albuquerque, New Mexico:

Average State Per Pupil Expenditure	X	Number of Indian Students Enrolled	=	Amount of Entitlement
$732 per pupil		1,819 Indian students		$1,331,508

3. Projects and programs this money can be used for:

   a. Planning and taking other steps that lead to the development of programs specifically designed to meet the special educational needs of Indian children. This includes pilot projects to test the effectiveness of any plans that are developed.

   b. Establishing, maintaining, and operating these kinds of programs that serve the needs of Indian children. This may include, by special permission of the U.S. Commissioner of Education, minor remodeling of classrooms (i.e., the building must be already completed and the money cannot be spent for repairs or maintenance; but money could be spent for the extension of utility lines), and acquisition of necessary equipment.

4. Assessing the special needs of Indian children:
In designing a program which meets the special education needs of the Indian children to be served, the LEA must consider including activities that build upon and support the heritage, traditions and lifestyle of the community being served, in joint consultation with the Indian community and the parent committee (an important provision that will be more fully defined and discussed in point 6 below). In determining those needs, consideration should be given to instructional or supportive services, activities, and experiences such as the following:

A. Instructional

(1) Arts (music, graphics, etc.)

(2) Language arts, including speech therapy, reading and language instruction such as English as a Second Language or bilingual programs.

(3) Vocational and industrial arts

(4) Math and natural science

(5) Social science and humanities

(6) Physical education

(7) Cultural enrichment

B. Supportive

(1) Academic guidance, counseling and testing

(2) Use of dormitory and recreation facilities

(3) Food and clothing

(4) Medical and dental care

(5) Psychological or psychiatric testing and care

(6) Social work services

(7) Pupil transportation

(8) Special services for physically handicapped and mentally retarded children

5. Conditions for having a grant approved:

The grant can be made only to an LEA (with the exceptions where the status of LEA is not required as explained in sections 1 and 2 above); and application must be made by the LEA to the U.S. Commissioner of Education. An application should include the following points:

A. The applicant must administer or supervise the program or activities.

B. The applicant must set forth a program that does indeed address the special educational needs of Indian children.

C. The applicant must provide effective procedures for at least an annual evaluation of the program.

D. The applicant must indicate policies and procedures that make sure that any funds granted will be used as additional money for Indian education, and not to replace funds that the applicant would normally provide.

E. The applicant must provide proper control over this money, for its disbursement and for accounting.

F. The applicant must make an annual report, and other reports that the Commissioner may require to determine how effective the funds have been in improving the educational opportunities of Indians.

6. Approval of application - further considerations: an application will be approved only if:

A. It meets the requirements above (5.A. - F.)

B. It provides that the program or project will use the best available talents, including people from the Indian community, and will substantially increase the educational opportunities of Indian children in the area.

C. It has been developed in open consultation with Indian parents, teachers, and, where applicable, secondary school students. The development of the application should include public hearings, so that all such interest groups can fully understand the program proposed and can offer recommendations on it.

D. It has been developed with the participation and approval of a committee of: parents of children participating in the program, teachers, and, where applicable, secondary school students. Half the members of this committee shall be parents. The members of the committee shall be chosen by the three groups just mentioned. They shall be "selected by procedures appropriate to the Indian community to be served", and the number should be proportionate to the number of children served (though the size of the group may not exceed 40).

E. It includes procedures to ensure that the program will be operated and evaluated in consultation with the parents of the children and representatives of the community to be served. These procedures should include: making documents and records available to the community representatives and parents, establishing a clear role for these groups

to play in assessing the needs and priorities, giving them access to budget and financial reports, and providing a formal mechanism for written approval of the project.

7. Amounts of money involved:

Total entitlement for the U.S. (if all eligible districts applied) is approximately $198 million for F/Y 1973 (as based upon the allocation formula mentioned above). The authorized appropriation for F/Y 1973 was $168 million, but the appropriation actually made, derived from a portion of the $18 million finally appropriated, was $11.5 million for F/Y 1973. If the sums appropriated for any fiscal year are not sufficient to pay in full the amounts that all LEA's are eligible to receive, the maximum for each LEA shall be ratably reduced. If additional money becomes available later in the fiscal year, the reduced amounts will be increased in the same proportion that they were reduced. If no extra money is found, the Commissioner will fix a date by which each LEA shall report to him on the amount of funds that it estimates it will spend from what has been granted. If some of this money is not going to be spent, it will be re-allocated to another LEA which needs the money.

8. Additional caveats for the states and LEA's:

A. The state or LEA must not consider the money it receives under this bill in determining its own

responsibility for support of education. Such money must be regarded as additional funds.

B. The state or LEA must not reduce the amount of their own contribution by more than 5% (except under unusual circumstances).

Part B

Special Programs and Projects to Improve Educational Opportunities for Indian Children. This part of the law authorizes a series of broad grant programs for special projects and programs relevant to the education of Indians. Priority is given to Indian tribes, organizations and institutions in awarding grants under Part B.

1. Eligibility:

A. Grants can be made to Indian tribes, organizations, and institutions (given priority as noted above), state and Local Education Agencies, and federally-supported elementary and secondary schools for Indians. These grants can be used for:

(1) Planning, pilot and demonstration projects which demonstrate the effectiveness of programs to improve the educational opportunities of Indian children, including:

- innovative programs related to the needs of educationally deprived children
- bilingual and bicultural programs
- special health and nutrition services

- co-ordinating the operation of other federally-assisted programs which may be used to help meet the Indian children's needs

(2) Educational enrichment programs and services - services not available now in sufficient quantity or quality. Examples authorized under this section include:

- remedial and compensatory instruction, school health, physical education, psychological and other services designed to encourage Indian children to remain in school (or enter or re-enter school)
- academic and vocational instruction
- instructional materials (e.g., library books, text books, audio-visual materials) and equipment
- comprehensive guidance, counseling, testing services
- special programs for the handicapped
- preschool programs
- bilingual and bicultural educational programs
- other services which meet the purpose of this section

(3) New programs and centers utilizing innovative educational approaches and methods, designed

to enrich programs of elementary and secondary education.

B. Grants are authorized for institutions of higher learning, or LEA's or SEA's working with such institutions to carry out projects to prepare people to serve Indian children as teachers, teachers' aides, social workers, and to improve the qualifications of people already working in these positions. Grants awarded under this section can be used for fellowships, institutes, symposia, workshops, conferences. Preference is given to the training of Indians in awarding grants under the provisions of this section.

C. Grants and contracts may be awarded to public agencies and institutions, and Indian tribes, institutions and organizations to:

(1) Disseminate information about various programs and resources which are available to Indian children.

(2) Evaluate the effectiveness of federally-assisted programs that Indian children may participate in.

2. Submitting applications:

Applications need to include the following:

A. A statement describing the activities for which funds are being sought.

B. Provision for an evaluation of the effectiveness of the project in achieving its purpose.

C. In the case of the kind of project described in (2), provision for the use of funds available under that section and coordination of other funds available to the applicant. This is to be sure that there is a comprehensive program.

D. Also in the case of (2), adequate provision for training the personnel participating in the project.

3. Approval of applications:

Applications submitted under the provisions of (1) or (2) can be approved only if the Commissioner is satisfied that there has been adequate participation by the parents of the children to be served, and by tribal communities in planning and developing the project. There must also be similar participation in the operation and evaluation of the project. Furthermore, applicants for Part B funds must identify by name the members of the required Indian Parent Advisory Committee, which must consist of at least 50% actual Indian parents of the children to be served. Priority will be given to applications from Indian educational agencies, organizations, and institutions.

4. Amounts of money involved:

$25 million was authorized to be appropriated for F/Y 1973.

$35 million for each of the next two F/Y's. But the actual authorization for F/Y 1973 was $5 million (out of the total of $118 million) for Part B.

Part C

Special Programs Relating to Adult Education for Indians.

Grants awarded under this section are designed to improve adult education for Indians. The definition of "adult" is kept deliberately flexible to include school drop-outs, who often are quite young. Preference is given to Indian tribes, institutions, and organizations in awarding grants under this part of the Act.

1. Eligibility and Program Purposes

A. LEA's, SEA's, Indian tribes, institutions, and organizations may apply for grants to support planning and demonstration projects which plan for, test and show the effectiveness of programs for providing adult education for Indians. These kinds of projects may include:

(1) Programs to improve employment and educational opportunities for adult Indians.

(2) (a) Programs to stimulate provision of basic literacy opportunities to all nonliterate Indian adults.

(b) Programs to provide opportunities for Indian adults to qualify for a high-school equivalency certificate in as short a time as possible.

(3) Programs to develop better techniques for achieving (a) and (b) above.

(4) Survey and evaluation programs which define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations.

(5) Information on and evaluation of education programs offering opportunities to Indian adults.

B. Public institutions and agencies, and Indian tribes, institutions and organizations, are eligible for grants for projects which:

(1) Disseminate information about education programs, services and resources available to Indian adults.

(2) Evaluate the effectiveness of federally-assisted programs that Indian adults may participate in.

2. Submitting Applications:

Applications need to include the following:

A. A statement describing the activities that assistance is sought for.

B. Provision for evaluation of how effective the program is.

3. Approval of applications:

For any application to be approved, the Commissioner must be satisfied that there has been adequate participation by the people who will be served and by tribal

communities in planning and developing the project. There must be similar participation in the operation and evaluation of the project. In approving applications under 1.A. (page 21), priority will be given to Indian education agencies, organizations and institutions.

4. Amounts of money available:

$5 million was authorized to be appropriated for F/Y 1973. $8 million for each of the next two years.

The actual appropriation for F/Y 1973 is $3 million.

Apart from these first three parts which deal with grants and eligibility, the law contains parts D and E.

Part D provides for the establishment of the Office of Indian Education within the Office of Education. This office, under the direction of a Deputy Commissioner of Indian Education, has the responsibility for administering the provisions of parts A, B and C. The Deputy Commissioner is appointed by the Commissioner of Education, from a list of names submitted by the National Advisory Council for Indian Education.

The National Advisory Council for Indian Education is also established under the requirements of Part D of the Act. The law stipulates that the National Council shall consist of 15 persons who are Indians and Alaska Natives. It further stipulates that members of the Council shall be appointed by the President from lists supplied by Indian tribes and organizations and that such appointments shall represent "diverse geographic areas" of the nation.

The responsibilities of the National Council are to:

1. Advise the Commissioner about the administration and funding of any program that Indian children or adults participate in and can benefit from, whether deriving from this law or any other.
2. Review applications submitted under parts A, B and C of this law and make recommendations about approving them.
3. Evaluate projects carried out under any Department of Health, Education and Welfare program which Indian children or adults can benefit from, and disseminate the results of the evaluations.
4. Provide technical assistance to LEA's and Indian education agencies, institutions and organizations to assist them in improving the education of Indian children.
5. Assist the Commissioner to develop criteria and regulations for administration and evaluation of grants made to schools which are not formal LEA's (see section 1).
6. Submit an annual report to Congress, including any recommendations for improving federal education programs for Indians.

With respect to the functions described in parts 2, 3 and 4 above, the National Council is authorized to contract with any public or private non-profit agency for assistance in carrying out those functions.

The Commissioner is to make funds available to the National Council so that it can carry out its functions. These funds come from the General Education Provisions Act. For this year (F/Y 1973) Congress appropriated $1 million to staff the Office of Indian Education and to provide operational funds for the National Council.

Part E (an amendment to Title V of the Higher Education Act of 1965) contains miscellaneous provisions. One such provision concerns teacher training for Indians. It states that not less than 5% of all funds made available under the Higher Education Act of 1965 shall be used for grants to universities and other non-profit agencies for the purpose of preparing people to serve as teachers of Indian children attending school on reservations. Preference is given to the training of Indians.

Another provision states that a school operated by an Indian organization on or near a reservation can be considered as having the status of "LEA" if the Commissioner agrees.

The final provision defines Indian: "For the purposes of this title, the term 'Indian' means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an

Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council for Indian Education, which regulations shall further define the term 'Indian'."

The Advisory Council: Purpose and Policy

As stated in the analysis of the Indian Education Act, the National Advisory Council for Indian Education was established under provisions of Part D of the Act, and was to consist of 15 members who would be Indians and Alaska Natives, representing diverse geographic areas of the U.S., appointed by the President from lists of nominees furnished by Indian tribes and organizations.

Among Indian groups and organizations consulted in selecting nominees for the new board were tribal councils, National Congress of American Indians (NCAI), National Tribal Chairmen's Association (NTCA), National Indian Education Association (NIEA), Coalition of Indian-Controlled School Boards (CICSB), Coalition of Eastern Native Americans (CENA), Northwest Affiliated Tribes (NAT), California Indian Education Association (CIEA), Alaska Federation of Natives (AFN), United Southeastern Tribes, Inc. (USET), and Navajo Education Association.[10]

The members of the Advisory Council appointed by the President are:

Sue Lallmang, Seneca
Fred Smith, Seminole
Amelia Ann Ccleman, Choctaw
Boyce D. Timmons, Cherokee
Ellen A. Allen, Kickapoo
Clarence W. Skye, Sioux
Will D. Antell, Chippewa
Karma W. Torklep, Lumbee
Geraldine Bobelu Simplicio, Zuni
Daniel Peaches, Navajo
Patricia Ann McGee, Yavapai-Prescott
David Risling, Hoopa
Theodore D. George, Clallam
Genevieve D. Hooper, Yakima
Joseph Upicksoun, Eskimo

More information about the members can be found in the Educational Journal of the Institute for the Development of Indian Law, Vol. I, #7, March 1973.

The Advisory Council has an unusual opportunity to represent the voice of American Indian peoples in shaping the future directions for this important piece of educational legislation.

One important function of the Advisory Council is to advise the Commissioner of Education regarding the administration and implementation of the IEA, including the planning and developing of regulations and policies. The other responsibilities of the Council are:

- To review applications for assistance under any program in which Indians might participate under this Act.
- To evaluate all HEW programs in which Indian children and adults participate and disseminate information on them.
- To provide technical assistance to local school districts, Indian education agencies, tribes, and organizations.
- To assist the Commissioner of Education in developing criteria and regulations for administration and evaluation of grants under P.L. 874 "Aid to Federally Connected Children".

- To select the Deputy Commissioner of Indian Education from a list of names submitted to them from Indian tribes, organizations and individuals.

The Council met for the first time in Washington, D.C. on May 19-22, 1973. At that time it reviewed proposed regulations and began to develop plans for approving proposals submitted under the IEA.

Forming the Office of Indian Education

The U.S. Office of Education (USOE) originally became involved in Indian education when Congress, some years ago, gave it responsibility for administering Native American schools in Alaska. That involvement became greater with enactment of Title I of the Elementary and Secondary Education Act, Title III of the Higher Education Act, and other educational legislation setting aside specific percentages of appropriations for Indian education.

The Indian Education Act of 1972 now brings the U.S. Office of Education directly into the problems of Native American education.

This Act mandates the establishment within the Office of Education of an Office of Indian Education with Bureau status. The Act directs the Commissioner of Education to name a Deputy Commissioner of Indian Education to head the new Office of Indian Education. It further directs the Commissioner to name the Deputy from a list of nominees submitted by the National Advisory Council. The Deputy Commissioner will hold a Grade 18 rating, the highest for federal general schedule employees.

With Bureau status, the Office should have high visibility within USOE.

As of this writing, a Deputy Commissioner of Indian Education has not yet been named, although a number of nominees have been submitted to the Commissioner of Education for consideration.

Because it was not certain that the Act would receive funding during fiscal 1973, there was delay in the development of the Office of Indian Education. There were, however, extensive meetings of Office of Education staff regarding the nature and structure of the new USOE agency. At issue was whether the Office should be structured in much the same way as other OE bureaus, with divisions and branches; whether only the requirements of the law should be observed through the establishment of a minimum structure, and whether or not the program should operate through the regional offices of HEW, as is the case with several other USOE programs.

Various possibilities regarding the organization of the Office of Indian Education were thoroughly examined throughout the developmental period of the program. While there were differences regarding structure, there was general agreement regarding function. The problem was solved temporarily when, after meetings with the Office of Management and Budget, the Commissioner of Education opted for a structure consistent with the minimum requirements of the law.

With the release of appropriated funds as late as May, 1973, the newly appointed staff assigned to implement the Act by the Council worked long and hard with Council members to commit funds before the end of fiscal 1973, on June 30. On rather short notice, it was necessary to inform state and local LEA's, as well as interested Indian groups across the nation, of the available funds and of the required procedures for applying and qualifying. "Back home" in the Office of Indian Education, administrative procedures for organizing and reviewing applications had to be established. Finally, fiscal mechanisms for the disbursement of funds had to be set up. Thanks to dedicated work on the part of many, the Office of Indian Education was able to announce on August 3 that all money had been committed and that grants totalling $17 million had been awarded to local school districts and Indian organizations.

The Office of Indian Education is still in transition. While a more complete structure at the start may have been desirable, the decision to hold off has significant positive aspects. Most important is the organization of the National Advisory Council which will now be able to make recommendations carrying important weight in the development of a structure consistent with program and Indian community needs.

The important element in this situation is that an Office was established in conformity with law, and that its establishment permitted the law to be implemented before fiscal 1973 ended.

With the Office now functional, changes will almost certainly be made to reflect program responsibilities assigned by the Act.

Funding Initial Grants

The aim of holding hearings, writing legislation, passing it into law, appropriating funds, establishing a bureau, and soliciting proposals - the aim of all these steps begins to be realized only when grants are funded and local projects start to address the needs which led to the legislation in the first place. While too early to assess the impact of the Indian Education Act, an indication can be given of the scope and variety of grants funded in F/Y 1973.

For Part A of the Act, nearly $11 million was committed, alloting funds on a formula basis to 436 LEA's in 31 states, serving some 135,000 enrolled Indian children. Grants ranged in size from $1,500 to more than $1.6 million (to 165 Oklahoma schools serving nearly 26,000 Indian children and youth). Ten Indian-controlled schools on or near reservations received grants totaling $574,000 under that section of the Act which requires a five per cent set-aside of Part A funds for this purpose.

Under Part B of the Act, $5 million was awarded to Indian tribes and organizations for special projects in bilingual and bicultural education, compensatory education, cultural enrichment, drop-out prevention, vocational education, curriculum development, research, and innovative education

activities. A total of 378 applications for Part B funding were received, with 51 selected for funding. Special project grants ranged in size from $2,460 (for improvement of communication, academic achievement, and counseling at the Umatilla School District 2-R in Oregon), to $300,000 to strengthen Navajo education at the Navajo Division of Education in Arizona.

The remaining half-million dollars was awarded for ten projects under Part C of the Act to improve educational opportunities for adult Indians. All grants went to Indian organizations for such purposes as high school diploma preparation, communication skill improvement and career development.

The Long-Run Promise of the Act

The Indian Education Act is an infant, born under conditions of difficult labor and hazardous birth. Nearly unfunded in the first year of its legal life, it has been nourished minimally, and very nearly too late to survive. But it has survived, and is now in action across the land. While strengthening its hand during its first steps, Indians must also begin to plan for its future, so that the long-run promise of the Act can be realized.

Entitlement Under the Act

The $18 million released for spending in 1973 is but a small portion of the amount of money potentially available under the law. With special reference to Part A - grants to LEA's - the money which any one LEA can apply for is based upon two factors: (1) the number of Indian children of school age in the district; and (2) the average per pupil expenditures (for

all pupils) in the state of the applying LEA. Concerning the first factor, it is estimated that there are a total of 300,000 Indian children of school age in the United States. The second factor - per pupil expenditures - varies strikingly from state to state. When appropriate calculations are made on a state-by-state basis, and then totalled, the entitlement for Part A alone (in F/Y 1973) is approximately $198 million - about 18 times the amount actually being spent this year!

As already noted, grants made under Part A of the Act are "formula" grants - that is, grants which go to local education agencies (LEA's) in accordance with a formula based upon the number of enrolled Indian children. Such grants, however, are not made automatically. Local education agencies must apply to the Commissioner of Education for funding and must meet requirements described earlier.

Qualified LEA's, those with at least 10 Indian children or at least 50% Indian children enrolled, may be entitled to Part A funds, with these qualifications waived in Alaska, California, and Oklahoma, and for LEA's on or near Indian reservations. There is no stated funding authorization as such for Part A, but the formula spelled out in the legislation sets the upper limits of any appropriation Congress may legislate.

In computing the entitlement of any LEA - its allotment under the Act - it is first necessary to obtain the total expenditures of all agencies in its state for the second fiscal

year prior to that in which the given LEA qualifies for a grant. The total state education expenditure then is divided by the total enrollment of pupils in public schools within the state. The result is considered the average per-pupil expenditure of the LEA applying for funding under the Act. The entitlement is, then, the average per-pupil expenditure in the state multiplied by the number of Indian children enrolled by the LEA. Thus, if the average per-pupil expenditure for the state were $750 and the LEA had 20 Indian pupils, its entitlement would be $15,000, provided that Part A of the Act were fully funded.

Should Part A not be fully funded, the maximum entitlement to which a local education agency is entitled is reduced accordingly. Should additional funds become available later because of Congressional action during a given fiscal year, because of their release by the Office of Management and Budget, or for other reason, entitlements are increased in the same proportion as they were reduced earlier. If there is no additional money, the Commissioner must fix a date by which each LEA shall report the amount of its grant that it expects to spend. Should it be determined that a grant will not be fully expended, the Commissioner must allocate the anticipated unspent funds to another LEA in need of further funding.

For Part B of the Act, the total authorization for F/Y 1973 was $25 million, and the authorization for F/Y 1974 and F/Y 1975 is $35 million in each year. For Part C, the authorization for

F/Y 1973 was $5 million, and that for F/Y 1974 and F/Y 1975 is $8 million for each year.

An authorization is only too clearly far different from an actual appropriation. It is, actually, a "hunting license" that sets an upper limit on the amount of money that Congress can appropriate for a given program under law. Traditionally, in the field of education, Congress appropriates only about one-third of a total authorization after the first year, usually the start-up period, of a new program.

But in the case of the Indian Education Act, the Congressional appropriation, even in the first year of the program when appropriations are usually high, was only about seven per cent of the permissible authorization. It appropriated one-fifth of the authorization for special and innovative projects (Part B), and ten per cent of the authorization for adult education projects (Part C).

In spite of these modest levels of funding, the Act was supported by Native American organizations because of its promise for new generations of Indian children and because it will provide new opportunities for responsible action for adults of the present generation.

The appointment of the National Advisory Council offers to Native Americans an opportunity to help to determine how the education of their children shall be structured. It represents a first step toward broader participation by Indians in education at all levels. It means recognition of the need

for bicultural/bilingual education for Indian children, and represents belated recognition by the nation of the worth of Indian culture and values.

Under Part E of the Act, the Commissioner must now set aside five per cent of certain Educational Development Professions Act appropriations to train teachers of children living on reservations. Preference in this training is given to Indians and offers such teachers an added opportunity to become involved in the education of their brothers for participation in a modern world while retaining its proud heritage.

Despite limited funding, the Indian Education Act already is bringing greater educational opportunity to thousands of Indian children. Hundreds of compensatory and enrichment programs now exist where none previously existed. And, because of the Act, parent and tribal participation is increasing its significance in the education of the young.

Examination of the special projects funded under Part B of the Act indicates new departures and new stress upon the development of more relevant curricula, emphasis upon bilingual/bicultural education, parent involvement, day care, motivation, school government and other movements towards relevance in Indian education. Programs funded under Part C also show important new initiatives resulting from adult education grants under the Act.

The gap between $11 million - the amount spent on Part A in F/Y 1973 - and $168 million - the total entitlement under a fully funded Act - is a large one. However, it is worth trying

to close. The fact that all of the $11.5 million was successfully applied for on very short notice as the school year drew to a close in the summer of 1973, suggests that the interest of Indian groups and associated LEA's could easily be mobilized on a far larger scale. The critical factor, then, is the appropriation for the bill in the succeeding fiscal years. The entitlement under Part A - though it may seem large - is merely asking that any Indian child entitle a school district to an additional amount of money equal to that spent on the "average child" in that district. Seen in this light, the struggle for full entitlement seems worth the unified efforts of the pan-Indian community.

Outlook for Fiscal 1974

The account presented of the difficult steps involved in the passage, funding authorization, and appropriation for the Indian Education Act makes it clear that a definite statement concerning the outlook for the next fiscal year is impossible. But plans can be described, and key issues noted.

Funding

The Act itself is now a public law. The critical issue is the level of funding which may be anticipated from year to year. On October 5, 1973, the President signed the authorization for a total of $40 million for

fiscal 1974, the second year of the Indian Education Act. This represents an increase of $22 million over funding for the first year, which was $18 million. This bill allocates $25 million to Part A, $12 million to Part B, and $3 million to Part C.

$1.8 million has been requested in the HEW appropriations bill for operation of the Office of Indian Education because the $40 million Interior Appropriations Committee budget did not contain funding for salaries and expenses. If the HEW request were to be vetoed, no money would be available for the operation of the Office of Indian Education.

Program Direction and Priorities

New program directions and priorities are likely to be influenced by findings resulting from evaluations of initial projects funded in fiscal 1973, as well as with the recommendations of the Advisory Council. Some program directions for Part A currently receiving emphasis and discussion are: increased parent and community involvement; early childhood education; family-based education; health and nutrition; cultural reinforcement; language, reading, and computing skills; and assessment of the special needs of Indian children. For Part B, a sense of priority exists in the fields of compensatory education; bilingual and bicultural education; parent-based early childhood education; teacher training, counseling and child guidance. Since Part B projects are "special", and not confined to local educational agencies, we may expect to see priority given to projects with a national emphasis, to tribal

projects, to the development of cultural and resource centers, and to projects dealing with the identity of urbanized Indians.

Issues to be Resolved

Among issues yet to be resolved are whether the Act shall be administered entirely from Washington, D.C., or whether its administration shall be regionalized. This problem is expected to be given serious consideration by the National Advisory Council. Involved is whether or not Indian participation will be promoted through centralized direction from Washington with Council input, or whether regional administration will bring the program closer to the community to be served.

The very role of the Council is yet to be clarified and its functions will probably be brought into clearer perspective during the coming year. The worth of the Act may well depend upon the stature that the Council is able to command. The Act clearly intends that the Council shall have an active role in the development, implementation and interpretation of policy and program. Reports, recommendations and evaluations of the Council are intended to have important weight. The issue of Council authority and responsibility may well be determined during the initial period of the program.

Communication between the local Indian community and the Council may well become an overriding issue. Grievances arising between Indian parents and students and local education agencies are almost certain to emerge. Means must be found to permit the parent or student to voice these grievances

through an established procedure. Unless the Indian community is assured that its voice commands respect in the administration of local programs, it will again turn away as before because of false promises made in the past.

Educational issues yet to be resolved and almost certain to arise during fiscal 1974 include the use of English versus the student's native tongue as the language of instruction; the development of relevant curriculum; the development of special materials responsive to Indian values, culture, history and contributions; use of mothers in early childhood programs; use of Indian paraprofessionals; use of tribal elders, artists and artisans to demonstrate skills and to provide cultural continuity; development of vocational and business skills.

Almost certain to move to the forefront is the issue of the federal schools. That such schools will continue to have a role seems almost certain, at least until such time as their future in Indian Education can be determined. The issue here is the responsiveness of such schools to the needs of Indian children who have nowhere else to turn. Here, again, the Council will be called upon to provide leadership, particularly in promoting community involvement in the governance and operation of these institutions.

The Native American Population

Estimates of the number of American Indians at early points in history are difficult to fix reliably. Working with available figures, J. Nixon Hadley,[11] estimates that something under a million American Indians inhabited the land which is now the United States, at the time of the final European settlers. Warfare, disease, deprivation of lands, and cultural dislocation at the hands of the expanding nation, reduced this number to nearly 20% of this value in the last half of the 19th century.

At the turn of the century, when Indian population was at its lowest ebb, the people were also at their most decimated and demoralized, due to the combined impact of war, disease, and famine. (The massacre at Wounded Knee occurred on December 29, 1890.) Then, "Sometime between 1900 and 1910, a rapid decrease in Indian population levelled off and a steady rise set in."[12]

The increase in the Indian population which began in the first decade of the present century continued steadily, and by 1950 had reached a value variously estimated as between 400,000 and 570,000. Since that time, decreases in the death rate and increases in the birth rate have resulted in a steady and continuing increase in the Indian population.

Indians therefore are not "vanishing". However, the Indian population is estimated, there are at least as many in the United States today as at the time of the final

white European contacts. A strict definition which counts only people living traditionally, in well-defined places, can get the estimate as low as three quarters of a million. But other estimates run much higher.

Official estimates of the total Indian and Alaska Native population have risen steadily in recent years, roughly paralleling total United States population growth.

	Indian and Alaska Native	United States Total Resident	%
1955	458,800	164,308,000	.278
1960	498,100	179,323,175	.278
1965	536,500	193,818,000	.277
1968	561,100	199,861,000	.281

Thus, the estimated Indian and Alaska Native population has hovered just under three tenths of a per cent of the total United States population, growing apace as the total has grown.

According to the 1970 United States Census, there are about 827,000 citizens who identify themselves as American Indians and Alaska Natives (Indians, Eskimos, and Aleuts). Other estimates run as low as 655,000, probably reflecting an underestimation of Indians who have migrated away from the reservations, mostly to urban places.

More than half of the contemporary U.S. Indian population maintains a "unique" relationship with the Federal government, routed in a complex network of treaties, reservations, and special Federal laws. Between 1778 and 1871, nearly 400 treaties were negotiated between Indian tribes and the U.S.

Federal government.[13] These treaties affect some 422,000 American Indians belonging to more than 250 tribes; in addition, some 53,000 Alaska Natives, living in 300 Alaska villages, have special Federal relationships. Thus, the total number of Federal Indians and Alaska Natives is about 475,000, living in 24 states, primarily west of the Mississippi (and Alaska), on or adjacent to Federal Indian Reservations or in identifiable Indian or Alaska Native communities.

The Indians not included in the Federally defined population are to be found in two major groups: (a) Indians in eastern and southern states whose tribal relations are with the states rather than with the Federal government; and (b) Indians who have left the reservation life for other settings, mostly urban; this latter group has increased significantly since World War II, and substantial Indian populations now exist in cities such as Los Angeles, Seattle, Chicago, Minneapolis, and Denver. This group is harder to count accurately, but numbers at least 350,000.

The total Indian population of over 827,000 belongs to 481 recognized tribes.[14]

Languages of Native Americans

There are some 300 recognizably separate American Indian languages and dialects in some use today, falling into six great language groups.[15]

Paralleling such linguistic diversity is a corresponding tribal diversity, so that the common term "Indian" -

besides being imposed as the result of an outsider's mistake - is not only disliked by many Indians - who prefer tribal names - but is culturally quite misleading.

Of these many languages, only 40%, or 120 languages, have more than 100 speakers, and in many of these, the remaining speakers are of advanced age, so that some of the diversity will inevitably disappear. There remain, however, about 45 languages with 1,000 or more speakers, and reasonable prospects for continuing stability.[16]

Of these 45 languages, the following eight have 10,000 or more speakers, and together account for important linguistic communities with more than a quarter of a million members - perhaps a third of the contemporary Indian population:

Tribal Language	Number of Speakers
Navajo	90,000
Eskimo (Inupik)	50,000
Ojibwa	45,000
Cree	35,000
Teton (Lakota)	15,000
Eskimo (Yupik)	13,500
Cherokee	10,000
Western Apache	10,000

Many of these languages have a practical orthography, available reading material, considerable Indian literacy (a minimal estimate is that slightly over half those of school age Indians retain the use of the mother tongue), a technical grammar, and in some cases dictionaries.

Participation in the Economy

A bleak picture concerning the economic situation of American Indians is given by simply citing the usual statistical indices: The average yearly income for Indians was $1,500 in 1968. For Indians on reservations, the 1971 per capita income was $1,115. A more recent estimate for all Indians of $2,000 per family is still among the lowest in the United States (in contrast to a median of over $9,000 for the United States as a whole). The unemployment rate on reservations as of March 1972 was 40%, with 19% employed in temporary or seasonal jobs. Other estimates have put the overall unemployment rate at 45% - about ten times the national average. Figures for substandard housing vary from 40% to 90%.

Health and Longevity of American Indians [17]

"The health status of Indians and Alaska Natives ... still lags 20-25 years behind that of the general population of the United States." [18]

The meaning of this sentence is spelled out more clearly in the paragraphs below. We do not present the particulars of regional and tribal variations, which may be very great, but merely point up the overall severity of Indian and Alaska Native health, its seriousness as a barrier to full-scale educational, social, and economic participation, and, above all, the urgency and possibility of reversing these trends through systematic application of methods long available to

other Americans. Among these methods, education of children and adults alike must play a role, together with the development of more effective health delivery systems. The effort to extend medical benefits cannot succeed without increased awareness of the need to seek and use such benefits, including preventive measures in areas of health, diet, child care, innoculation programs, and other measures to increase health and longevity for Indian and Alaska Native peoples.

The U.S. Public Health Service, through its Indian Health component, provides health services to a population of over 400,000 American Indians and Alaska Natives. The service has responsibilities in 24 states (excluded areas are the northeast, most of the middle west, most of the south, and Texas). The Indian population in this area (1968) was about 560,000. The difference in the above figures (about 150,000) is due to off-reservation Indians. The total (560,000) "is estimated to represent nearly 90% of all Indians and Alaska Natives in the country." The data reported below are based upon studies of this population of more than half a million Indians and Alaska Natives, carried out by analysts in the U.S. Public Health Service.[19]

Birth Rate

For the last ten years, about 20,000 Indian and Alaska Native children were born every year. This is a rate of about 38 live births for each 1,000 population - a rate significantly higher than that of the U.S. population as a whole, which is around 20 per thousand. (The overall rate for the U.S. declined from a high of 25 per thousand in 1957

to 17.5 per thousand in 1968; whereas the Indian and Alaska Native birth rates have not shown this systematic decline.) Thus in 1968 the Indian and Alaska Native birth rate was more than twice as high as that for the total United States.

Infant Mortality

The infant death rate (under one year) for Indian and Alaska Native populations is significantly higher than for the nation as a whole. This contrast is serious even though it has improved considerably over the last decade or two. In 1955, the rate was 62.5 deaths (in the first year) for every 1,000 live births; one out of every sixteen Indian and Alaska Native children born alive did not survive the first year of life! By 1967, this figure had declined to 32.2 infant deaths per thousand, so that only 1 out of 31 infants failed to survive the first year. Despite such a trend, a significant gap remains between this death rate and the U.S. average of 22.4 per thousand (for 1967), or only one in 45.

The difference in infant death rates (between Indians and the rest of the population) is not to be found in the first day of life, in the first week, or in the first three weeks. Rather, it lies in the remainder of the first year, in the period from three weeks to 11 months, where - even in 1967 - the death rate was nearly three times that of the U.S. population.

This distinction suggests that Indian children are born with equipment for survival about as good as anyone else. It is the later events which follow the immediate neonatal

crises which account for the difference. These events, it should follow, are open to the beneficial intervention of health and educational programs. The chief causes of death in this postneonatal period (28 days to 11 months) are: respiratory diseases, digestive diseases, accidents, and infective and parasitic diseases. In all these categories Indian-Alaskan death rates are from two to five times that of the U.S. population.

Indian and Alaska Native mothers also die in childbirth to a greater degree than U.S. mothers as a whole - about twice as often when compared to all U.S. mothers, and about three times as often as white mothers.

Adult Causes of Death

If we examine the leading causes of death after infancy, we find a few - diseases of the heart, malignant neoplasms (the "cancers"), and vascular lesions affecting the central nervous system - for which the death rates for Indians and Alaska Natives are significantly lower than the general population. Thus, in certain important health areas, the Indian-Alaskan, once he survives infancy, is hardy.

But in other areas the Indian is extremely vulnerable, and is subject to death rates far in excess of the general population. Taken in order of numerical seriousness, these causes of death are:

Accidents (including all varieties of traffic accidents, railway accidents, water transport accidents, fire and explosions, and others):

responsible for 20% of Indian-Alaska Native deaths, and nearly four times the rate in the U.S. population, with evidence of increase in rate.

Influenza and Pneumonia (excluding the newborn):

responsible for about 7% of Indian-Alaska Native deaths, and about two and a half times the rate in the U.S. population, with evidence of decreases.

Cirrhosis of the Liver:

responsible for more than 4% of Indian-Alaska Native deaths, and four and a half times the rate in the U.S. population, with evidence of an increase in seriousness over time.

Gastroenteric Diseases:

responsible for 2% to 4% of Indian-Alaska Native deaths, and about three and a half times the rate in the U.S. population, with evidence of decline.

Homicide:

responsible for about 2% of Indian-Alaska Native deaths, and nearly three and a half times the rate in the U.S. population.

Diabetes Mellitus:

responsible for about 2% of Indian-Alaska Native deaths, and more than twice the rate in the U.S. population, probably increasing.

Tuberculosis (all forms):

responsible for from 2% to 6% of Indian-Alaska Native deaths (figures fluctuate from year to year and there

is some evidence of a decline), and eight times the rate in the U.S. population.

Suicide:

responsible for from 1% to 2% of Indian-Alaska Native deaths, and twice the rate in the U.S. population.

The significance of this list may be stated as follows: It does not include all important causes of death. Heart disease and the "cancers", although significant causes of death among Indians and Alaska Natives, are relatively less frequent than in the population as a whole; one reason for this difference may be simply proportionately fewer Indians and Alaska Natives reach the high ages where these diseases take their heaviest toll. The list contains those sources of death for which the rates for the Indian-Alaska Native population exceed the rates for the population as a whole. The table shows this ratio of excess to range from two to eight times. Thus we have listed "distinctively Indian-Alaska Native" problems. The significance of this list is that these problems are susceptible to particular approaches designed to reduce their impact by reducing their incidence and prevalence in the Indian-Alaska Native population.

Communicable Diseases

Diseases, even if not deadly, may lead to other kinds of pain, damage, and impairment. Indian and Alaska Native populations are particularly susceptible to several communicable

diseases which occur at much lower rates in the general population. Chief among these diseases are: otitis media (an inflammation of the middle ear, producing serious and often permanent damage, which afflicted 9 out of every 100 Indian and Alaska Natives in 1968; gastroenteritis, which afflicted 6 out of every 100; strep. sore throat, pneumonia, and influenza, each of which afflicted 3 or 4 out of every 100. Rates for these serious diseases have not declined in recent years, and for two of them - otitis media and strep. throat - have increased markedly. (Some increases may be due to better reporting and increased use of medical facilities.) The extreme prevalence of otitis media, with accompanying demands for prolonged treatment, curative and restorative surgery, and rehabilitation, led to such a crisis that special Congressional funds were appropriated in 1970 for an otitis media program administered by the Indian Health Service.[20]

As with many infectious diseases, there is a strong relationship between otitis media and impoverished living conditions; crowded housing, inadequate sanitary facilities, and substandard diets all increase susceptibility to infectious diseases. Fifty per cent of the cases of mental retardation among Alaska Natives is due to residual brain damage from acute infectious diseases suffered in infancy. The population at greatest risk to otitis media is children under two, but the disease keeps striking at older children with almost equal severity. Scarred and punctured eardrums resulting from the

disease may impair hearing by school age; when combined with the problem of learning a new language in school, the social and educational consequences multiply in seriousness.

Age Composition and Life Expectancy

Most causes of death among the Indian and Alaska Native population take their toll at relatively young ages. Of all such deaths (from all causes combined) in 1967, 14% were infant deaths, the median age was about 50 years, and only one-third were at age 65 or over. In contrast, of all deaths in the U.S. (for the same year), only 4.3% were infant deaths, and the median age at death was 70 years. (The corresponding measure - life expectancy at birth - is about 63-64 years for Indian and Alaska Natives, and 70 years for the U.S. as a whole.) The contrast was quite recently even starker: In 1955, 25% of all deaths were in the first year, the median age at death was 38 years, and only 27% survived to 65 or older. Despite a steady trend towards longer life expectancy, age-specific death rates for Indians and Alaska Natives are at least 1.5 times as high as for the U.S. population in each age bracket until 55 years old, and in many instances much higher. Between the ages of 15 to 44 years, Indian and Alaska Native death rates range 3-4 times as high as the average U.S. counterpart.

Historical Background of Indian Education

United States policy toward the Indians can be traced through unnumerable treaties, laws, judicial decisions, and administrative regulations. Many of these contradict each other, mirroring the changing attitudes of the white settlers and their government toward the original Americans. Many others say one thing but were interpreted in another way, or not carried out at all. If all laws had followed the philosophy of the early Northwest Ordinance, passed in 1787 (before the Constitution), relations between two different civilizations might have had a happier history:

> The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in the property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful war authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.[21]

The third Article of the Constitution empowered Congress to "regulate commerce with foreign nations, and among the several states, and with the Indian tribes." Thus began a long and complex relationship between the newly established Federal government, and the Native Americans with whom it was to deal in a complex and tortured manner for 200 years - and more - thereafter.

The Bureau of Indian Affairs was originally set up under the Department of War. When the Department of the Interior was set up in 1849, Indian affairs were placed under

its aegis. Because the Bureau "sometimes became the uneasy and unhappy buffer between Indians and the U.S. Army" (Answers to questions about American Indians, Bureau of Indian Affairs pamphlet, Washington, D.C., 1965, p.7), "it was decided in 1862 to designate the Indian tribes as 'wards' of the Indian Bureau rather than let them be considered simply as 'enemies' over whose fate the Army would have jurisdiction to make decisions. Unfortunately, and without ever really having had legal sanction, the term 'ward' took on administrative connotations by which the Bureau exercised incredible control over the lives and property of individuals, much as a guardian would act for minor and even hopelessly retarded children."[22]

By 1842 there were 37 Indian schools operated by the Federal Government. The BIA says today that in the early and middle parts of the 1800's, the purpose of education was to "civilize" and Christianize the Indians.[23] In order to facilitate this process of forced acculturation, and to remove young Indians from the "undesirable" home environment, most Indians at that time were educated in boarding schools operated by the BIA, on and off reservations. The first Federal boarding school was established on the Yakima Reservation in Washington State in 1860. According to present-day evaluations, the education was spectacularly unsuccessful. The few Indians who did complete this kind of "education" usually abandoned their tribal group. The

great majority of Indians did not, in fact, accept the education and there was little impact resulting from education.[24]

The eventual impact of these developments upon Indian education may be sensed by contrasting the alternative path which Indian nations might have taken had a reasonable autonomy prevailed.

> "The Cherokee nation became an outstanding case, establishing its own School System, operating a national newspaper, and spreading literacy more widely among its people than the neighboring white states did among theirs. Within a short time, a sprinkling of Cherokee were college graduates, so that it and related Indian nations of the south were known as 'civilized tribes.' Had they or other tribes, then receptive to formal learning, been given even another generation in which to absorb, diffuse, and integrate Western knowledge into their cultures, the results might have been surprising. But the lawless and violent frontier, with its hordes greedy for land, advanced too swiftly. Perhaps, also, the very learning of the Cherokee was too gentlemanly for the contest. They might have been better off if their young men had learned the baser arts of metallurgy and chemistry, the manufacture of guns and gunpowder; instead, they learned how to argue and win a case before the United States Supreme Court and then found their cause lost when President Jackson ignored the decree protecting their national rights."[25]

Boarding schools for Indians were made compulsory by the BIA in 1887, then expanded over the subsequent years (until 1913). Today, there are 53 serving the Navajo Nation alone.

Since the 1890's, the public school education of many Indian students has received partial Federal subsidy. Since Indian Reservation lands were not taxable, State

Departments of Public Instruction could not raise funds to support instruction in the traditional way, and turned to Federal aid. Although funds for such use came from various sources, the greatest impetus to Federal support for Indian education came from the Johnson O'Malley Act. (Act of April 16, 1934, 48 Stat. 596.) This Act was amended in 1936 to clarify and broaden its provisions, and specifically provided that the Secretary of the Interior could enter into contracts with States, Counties, and other political subdivisions, as well as with State universities, for the provision of educational and other services to Indians.

The General Allotment Act of 1887 (sometimes called the Dawes Act) was an attempt to break up tribes and merge individual Indians into the general society. The Act authorized the President to distribute tribal land to individual members of the tribe in parcels of a certain number of acres; these were allotments. The theory behind the Act was that an Indian who owned his own land would somehow automatically become a farmer or livestock operator. The effort to mold the Indians in the cast of the white settlers failed. But while the attempt was going on, education of Indian youth followed in the same pattern. The Federal government assumed greater responsibility for the education of Indians. By 1881 the number of Federal Indian schools had increased to 106. The curriculum in Indian schools emphasized farming and homemaking, English, and the three R's.

It was commonly forbidden for Indian students to speak their native language.[26] Not surprisingly, this kind of education was no more successful than that carried out under earlier policies. The average level of education on reservations rose only one or two grade levels, and most Indians who did complete the education that was available subsequently left the reservation.

Thus the fate of Indian education became closely tied to Federal government policies in their entirety.

The Indian Remand program, the reservation system, and the allotment of Indian lands "in severalty" combined to weaken the power and integrity of the independent tribes, disorganizing and impoverishing ways of life, and creating pressures for "involuntary assimilation." Indian adults were regarded as incompetent to operate schools (among many other things), and at the same time as sources of lore and tradition which were harmful to Indian childrem. During the latter part of the nineteenth century, children were kidnapped from their homes, to be placed in sewere boarding schools.

Conflict, brutality, and repression in the "reservation culture" has led, according to Murray Wax, to: "A conservative turn toward the past; stressing memories of ancient glories, skeptical of current reform, especially if whites and their administrative agencies are involved in any way."[27]

Around the turn of the century, a number of Federal provisions began to attempt a more humane policy towards American Indians. At least a nominal attempt was being made to fulfill a few provisions of treaties made in the 18th and 19th centuries. But so far, the educational provisions of the treaties were being ignored by the government, in spite of the fact that (in the words of Willard W. Beatty) "the United States Government is obligated to provide education for its Indian citizens by virtue of almost every treaty which it consummated with the Indian tribes since colonial times."[28]

By 1928, the need for an articulated Federal policy toward Indian education was expressed in the "Merriam Report,"[29] which emphasized the need for across the board education at all age levels, and exposed the low quality of BIA personnel - especially its field administrators.

The result of a massive survey of Indian education, this report exposed the worst features of the education of Indians at that time: old-fashioned teaching methods, staff cruelties towards Indians, primitive housing for students, forced student labor during part of the school day.[30] Merriam disagreed with the forced acculturation philosophy of his time and instead recommended an acculturation program based on understanding the Indian point of view, recognizing the positive features of Indian economic, social, religious and ethical concepts, and seeking to build on the basic character

of the Indian, rather than destroy it.[31] The Merriam Report, together with a widely publicized report resulting from a survey of conditions among the Indians, conducted by the Senate Committee on Indian Affairs from 1928 to 1944, led to the next reversal of Government policy regarding the Indians.

The Indian Reorganization Act (IRA) of 1934 reversed the land policy of the Allotment Act and also revoked the policy of attempting to stamp out everything that was Indian. Also, the Great Depression, which had begun in 1929, accelerated the development of social welfare programs for everyone, and an attitude of social responsibility was evident.[32] The passage of the Johnson O'Malley Act in 1934 was important for the future of Indian education. This Act authorized the Secretary of the Interior to enter into contracts with States and political subdivisions of States to spend money appropriated by Congress for education, medical and agricultural assistance, and social welfare for Indians living in that state.[33] The presence of Federal money acted as an inducement for public schools to accept more Indian students into their systems.[34] This has resulted in some states with large Indian populations having no Federal schools at the present time. All the children attend public school in California, Idaho, Michigan, Minnesota, Nebraska, Oregon, Texas, Washington and Wisconsin.[35]

In 1953, the passage of the House Concurrent Resolution 108 reversed most of the policies of the Indian Reorganization Act. The purpose of the resolution was to free

Indians from Federal control, end or "terminate" their relationship as wards of the Federal government, and make them subject to the same laws and entitled to the same privileges as all other Americans.[36] This attitude carried over into the field of education as well; increased numbers of Indians were placed in public schools. Some federal boarding schools were converted into other facilities, and others were closed. A BIA pamphlet states that since 1953 the number of Federal Indian schools has been reduced from 324 to 199. Taylor says that the BIA still operates 233 schools in 16 states and that four states (Alaska, Arizona, New Mexico and South Dakota) account for 188 of these schools.[37]

During the period of 1953 to 1960, the BIA strongly pushed programs that would lead to self-sufficiency of Indians: universal education of all Indian children and emphasis on education in public schools wherever possible. During the Kennedy and Johnson Administrations, social legislation resulted in expanded services to Indians and non-Indians. Among these acts were the Elementary and Secondary Education Act; the Education Professions Development Act; the Vocational Education Act; the Higher Education Act; the Economic Opportunity Act. Under the terms of this last Act, passed in 1964, Indians were asked for the first time to propose and work out plans for programs they wished to have on their reservations.

Also during the 1960's the BIA developed a program that provided for contracting by the Indians of any community

so that they could operate their school if they wanted to take over the responsibility from the BIA.[38] Taylor notes that this was a BIA-initiated idea and was approached cautiously by the Indian community.[39] By 1971 five schools were operated in this way, serving over 750 students.[40] By operating the schools themselves, Indians bypassed State and local public school systems and received funding that was Federal or a combination of Federal and private.[41] During the decade of the 60's and into the 70's, growing national awareness of Indian problems has been seen. Indians are increasingly involved in their own education and an effort is being made to overcome the historical educational disadvantages that the Indian people have faced. By using to best advantage the various economic resources that are available under the several pieces of legislation mentioned above, plus the independence of planning and action that is now available under the IEA discussed below, Indian people will be increasingly reponsible for providing the kind of education that they themselves desire.

But today, it is still true that "The crucial problem in the education of American Indian children is the general relationship between the white society and the Indian people. This relationship frequently demeans Indians, destroys their self-respect and self-confidence, develops or encourages apathy and a sense of alientation from the educational process, and deprives them of an opportunity to develop the ability and experience to control their own affairs through participation in efforts of local government."[42]

Indian Participation in the Educational System

Half the American Indian population is 17 years old or younger. (In contrast, the median age for the U.S. population as a whole is 28 years.) Thus, the importance of the educational process - central for any social, national, or cultural group - is pivotal for the American Indian: the nature and quality of the educational experience is reaching half of the people in this group alive at any one time. Through control of the nature and quality of education, an opening offers itself for control of the future of life for all American Indian people.

If the current annual birth rate of about 20,000 Indians each year had been stable over the last generation, and if the very high death rate did not take a heavy toll in each year of life, then there would be 17 times 20,000, or about 340,000 Indians, of an age between infancy and 17 years old. If we narrow attention to the population receiving formal schooling from grade one to grade twelve, then the number based upon this estimate would be 240,000.

In fact, however, the death rate takes a serious toll in this age group, and the number of Indians born yearly has been increasing from somewhat lower values. The chief available estimates of the number of school age children defined as Indian vary, increasing as they become more recent. Official 1968 estimates, which may be low, placed the school age population at that time at over 150,000, distributed as follows:

Indian and Alaska Native Population of School Age (1968) [43]
(6 to 18 years)

In public schools	86,827
In Federal schools	46,154
In mission schools	8,713
Not in school	7,757
Unknown	2,663
Total	152,114

More recent estimates are higher. One of these - reported in the 1970 White House Conference on Children - places the number of Indian children enrolled in school at 177,464.[44] More recently, estimates made by the Bureau of Indian Affairs put the figure for the 1972-1973 school year at 197,000.[45] The Office for Civil Rights (DHEW) reported a total of 211,974 public school Indian pupils (fall 1970).[46]

National Center for Educational Statistics lists 226,000 enrolled in elementary-secondary schools in the United States in the fall of 1970.[47]

The number of children "not in school" has been estimated to be as high as 16,000, in about half the cases due to a lack of school facilities which can serve these children.

Retention and Drop-out Rates

Even if the higher estimate of children not in school is taken as correct, 90% of Indian children of school age are at least attending school, in contrast to only 10%

60 years ago. These rates of participation represent an improvement over the situation 20 years ago, when, for example, less than half of school age Navajo children were in school. (Thus, among the adult Indian population, a high percentage have much less schooling than their children will have.)[48]

But to enter school is not to stay there, and to stay there is not to learn or grow there. Data on dropout rates show that about 50% of the Indian population fails to complete all twelve grades of school (though some estimates suggest a recent improvement in this figure).[49] The dropout rate takes its toll at each grade level, but peaks in intensity in the high school years, where the confrontations faced by the young adolescent intensify, and the Indian dropout rate rises to 60%.[50]

Data on college attendance develop the stark picture even further: Only 1% to 4% (again, estimates vary, with the more recent ones higher) of the American Indians who enter first grade finish college - as opposed to about 20% of the U.S. population at large (1968-69 figure).[51]

The number of American Indians in college - though small - has increased rapidly. Less than 200 Indians were in college in 1950. Yet by 1959 more than 4,300 were attending colleges and universities.[52]

Havighurst estimates that about 18,000 Indians reach age 18 in a given year, and that about 17% are entering college -

as opposed to 38% of all U.S. youth of the same age. Of these, about 4% will graduate, compared with 22% of the U.S. population.[53] And by 1970, the National Center for Educational Statistics lists a total of 29,269 fulltime Indian students in college in 1970, with 1,608 of these in graduate school.[54]

The cumulative impact of such attrition rates is expressed in the average for number of years of school completed: In a period where the U.S. population has seen an increase from about ten to about twelve years for this average, the figure for American Indians is a little over 8 years. Recent investigation has shown the median level of adults on the Navajo Reservation - whose population of 120,000 is the largest single concentration of Indians in the U.S. - to be 5.3 years of school completed.[55]

Recent studies show an increasing proportion of Indian youth attending and graduating from high school. Studies carried out in 1968[56] showed that about 55% of Indian youth who had been eighth graders in 1962 had graduated from high school. Of course, this figure ignores the dropout rate prior to reaching the eighth grade, and it is still much lower than the corresponding figure of 73% for white students. But it is an improvement.

Participation statistics, in summary, show a gradual increase in attendance and "holding power" of Indians in schools, but still at levels markedly behind the overall population. But to understand the meaning of such summary

figures, it is necessary to look in more detail at the quality of education for the American Indian.

The Quality of Education

Until recently, Americans with unexamined faith in the educational process have assumed that schooling offered a compensating and equalizing mechanism which permitted members of any and all social groups to develop the skills and achieve the values held important by each group. Any failure to derive maximum benefit from schooling was evidence of a defect on the part of those who did not reap all the benefits of schooling. This view has by no means disappeared - it is deep in our assumptions and is stridently expressed (often from respectable sources) precisely when minorities mount an articulate struggle for self-development.

But gradually a more complete, complex, and human picture has begun to develop, with increasing numbers of Americans grasping and sharing a view of educational realities which a few - Indians among them - have known more privately for a long time.

Bluntly stated, this view recognizes that if there is a "mismatch", misunderstanding, or conflict between the teachers and the taught, then the experience of schooling can fail to provide the skills and growth which it should, and can even intensify the problems of its pupils in important ways. The details of the educational process which are illuminated by this understanding go far in explaining the

sober statistics cited in the previous section, and are of central importance to the American Indian today as he shapes the future of his young.

Achievement Measures

Twenty years ago, a nationwide testing program carried on by the BIA (1951-54) showed Indian school children to be below national norms after the fourth grade.[57] And the findings of this early study have recently been corroborated through the study of another national sample.

The now famous Coleman Report of 1966 (Equality of Educational Opportunity)[58] studied such achievement measures as reading comprehension, mathematics, verbal ability, non-verbal ability, and general information, in a large national sample of 6th, 9th and 12th grades. The results established that the American Indian (like other minority groups studied) scores significantly lower at every grade level than does the average white pupil. Further, the degree of lag was greater at the 12th grade than the first, which means that Indian children lose ground the longer they stay in school. When converted to grade levels, the degree of lag shown by American Indians in the 12th grade is greater than three school years in verbal skills, reading, and math scores. And this result is based on those who have stayed in school; if the many who have dropped out before reaching the 12th grade had been included in the sample, the results would no doubt be even more serious. Thus, whatever initial

disadvantage Indian children bring with them is not overcome, but rather amplified, by this school experience. At each grade level studied, further analysis has shown that verbal ability scores correlate strongly with socio-economic status of parents.[59] Those few Indian children of well-educated and wealthy parents held their own in school quite well; it is the numerous children of less well-educated parents, with low incomes, that the schools are not serving.

The same report also documents the importance of a pupil's sense of "control over his own destiny" in predicting his achievement level: where one is high, so is the other. On a question assessing "self-concept" Indian pupils showed the highest percentage answering "below average" to the question "How bright do you think you are?" This and other indicators showed Indian pupils in the 12th grade to have the lowest self-concept of all minority groups tested.

The Coleman study documents on a national scale what a large number of other studies have found. Other studies, however, add important detail to the picture.

Special Problems of Indian Education

A number of measures suggestive of the educational needs and problems of American Indians were reported in Chapter V ("American Indian Pupils") of the 1970 Survey of Comprehensive Education.[60] The study is based upon a national sample of over 23,000 American Indian children who were in the second, fourth and sixth grades in 1968-69. The schools studied were in the five major regions of the U.S., (West, Southwest, Midwest, South, Northeast) with the

relative numbers of Indian children in each region roughly commensurate with the Indian populations in the regions. The schools employed in the sample were all participants in "Title I" programs (Title I of the Elementary and Secondary Act of 1965, which supports remedial and compensatory programs with Federal funds). The major findings follow:

Educational background of parents is relatively low. Thirty-six per cent of the parents did not continue beyond grade school, and 53% have less than a completed high school education. About 15% of the parents completed high school, and 8% obtained some education beyond high school, with 2% completing college.

Reported parental incomes and occupational level is correspondingly low. About 63% of families report incomes not exceeding $6,000; only 9% report incomes over $9,000. Income-per-family-member is under $2,000 in 83% of the cases. Over half the wage-earners are employed in unskilled or semi-skilled categories. About 14% of the heads of households were unemployed, and about 15% were on welfare.

Reading below grade level is a serious problem. Teachers report that 38% of second and fourth graders, and 34% of 6th graders, are reading below grade level. The proportion of Indian children reading "above" grade level declines from 24% in the second grade, to 17% in the fourth grade, to 13% in the sixth grade. The proportion of children with special needs in reading ranges between 40% and 50% at all grade levels studied.

Mathematics development is also a problem. The proportion of Indian children with special needs in mathematics rises from 32% in the second grade, to 41% in the fourth grade, to 46% in the sixth grade.

Special needs in language development increase throughout the grades. For language, the per cent with critical needs rises from 31% (second grade) to 37% (fourth grade) to 46% (sixth grade).

Health problems and counseling needs also increase. For health needs, the incidence of critical needs rises from 14% in the second grade to 20% in the fourth and sixth grades. Counseling needs rise from 4% (second grade) to 8% (fourth grade) to 25% (sixth grade).

Teacher-parent interaction is low. Nearly 40% of the cases had no teacher-parent contact regarding pupil progress, and nearly 70% no contact regarding behavior. Of the contacts which did occur, the overwhelming majority occurred only once.

Absenteeism is a problem. Over 50% of the pupils were absent to a "median" or "high" extent. Of these, 22.5% were classified as "high".

Teachers' expectations reveal the growth of limited horizons for Indian children. The findings here are complex, but can perhaps be brought out through a contrast. On the one hand, as Indian children go from second to fourth to sixth

grade, their teachers expect an increasing proportion of those who have stayed in school until that grade to complete high school. Second grade teachers expect about 36% of Indian children to complete high school; fourth grade teachers expect just over 40% to complete high school; and sixth grade teachers expect nearly two-thirds of their pupils to complete high school. Further, their estimates of the attitudes and the abilities of their Indian pupils are about on a par with each other. When the same teachers are asked whether the same pupils will enter college, however, a striking contrast arises: Their predictions become increasingly negative. Second grade teachers think that 43% of their Indian pupils have the ability to enter college, but that only 15% have the required attitudes. And by the sixth grade, teachers regard only 22% as having the ability, and only 8% as having the needed attitudes. Thus, estimates of the likelihood of entering college decline even as the chances of finishing high school seem to increase, and the discrepancy between attitude and ability becomes pessimistically sharp.

There are almost no Indian teachers in the schools serving Indian children. The percentage of American Indian children in schools with any American Indian teachers was 0.32%! This strikingly low figure arises due to the presence of 74 pupils in the Southwest and West, among the 23,353 pupils studied, who had an American Indian teacher!

Ability Versus Achievement

A number of studies strongly suggest that the apparent academic backwardness of young Indians depends upon the use of measuring scales requiring learned skills which favor the majority white culture.

The National Study of American Indian Education reports (in 1970) scores based upon the Goodenough Draw-A-Man Test, a test of mental alertness which is fairly free of language; the average IQ score for its sample of 1,700 was 101.5 - slightly superior to the average of white children.[61] Such data suggest that the native abilities of Indian children cover the same range as other children, and that the source of the problem lies elsewhere.

Another study carries the analysis further. Employing a battery of nonverbal tests (the Grace Arthur Performance Test), this study found an average IQ score of over 100 in a sample of Indian children from six tribes; but when a verbal test requiring reading ability was employed (the Kuhlman-Anderson), the same children showed an average IQ score of 82.5.[62] Such a finding shows the importance of language development in the dominant culture.

To the early factors of language development and other aspects of cultural adaptation must be added the later factors of expectations based upon peer and parent culture, together with the negative definitions imposed by teachers and other representatives of the wider world. The timing of

Indian academic achievement problems has been called the "cross-over" phenomenon. Some Indian groups studied keep pace in academic development up to the sixth grade, then suddenly "cross over" and fall behind the norms at the seventh grade, becoming severely behind by the eighth grade.[63] Accompanying this change are feelings of rejection, depression, anxiety, and withdrawal. This is the age at which students begin to loosen their ties with the security of home and school, and look outward to adulthood in the larger world. Discontinuity and lack of support to help bridge these steps - ideally from home, school, and peers together - will lead to the kind of disruption reported by Bryde.

The intertwining of language isolation with cultural isolation has also been documented, in studies which show the educational achievement of American Indians to be relatively more retarded if the preschool language was an Indian dialect, or if the percentage of the pupil's friends who are Indians is high.[64] [65]

An Indian child entering an Anglo school who speaks only his native tongue (any one of 54 specific language groupings in America North of Mexico), speaks a tongue with no cognates or common linguistic roots with English (unlike the Spanish-speaking child), to say nothing of the distinctive conceptual and value system which the poorly trained Anglo teacher does not know how to build upon.

Although progress in the early grades is strongly affected by language background, in later grades - during and after the time of the "cross-over effect" - the socio-economic level of the parents becomes a major variable.[66]

For all children - even the most fortunate - the transition from home to school is a crisis. That crisis is eased by a continuity of language, dress, customs, expectations; by evidence of parental support and faith, free traffic in and out of the school, and evidence that parents' voices on their children's behalf get a hearing in this strange and wider world. Where that continuity is lacking, the transition to school can disrupt the growth of a child to a degree for which the educational offerings of the school cannot compensate.

Havighurst, in an analysis of "minority subcultures",[67] discusses the effects upon classroom behavior of the pattern of "cooperation and mutual support within an extended family and to a lesser degree within a tribal community", seen in at least some Indian groups. For example, "The children do not tolerate a show of superior knowledge. Often a teacher cannot find any pupil who will volunteer an answer to a question that several of them know. In oral reading, the whole class tends to read together in audible whispers, so that the child who is supposed to be reciting can simply wait when he comes to a difficult word until he hears it said by his classmates."[68]

Important research has been begun, and must be continued, on the intellectual strengths, as well as the weaknesses, of culturally different groups. The Anglo teacher

who measures only an Indian child's deficits in English and remains ignorant of his skills in a native language will draw a damaging conclusion about the child's ability, and will also bypass a significant option in designing a curriculum - for example, a bilingual curriculum - which would capitalize upon valuable skills which the child brings with him to the school situation.

A similar case can be made with respect to intellectual or cognitive abilities which are not as clearly labelled as "another language". Studies at the University of Alaska[69] (Kleinfeld 1973) have shown that Eskimos, whose average "performance on Western intelligence and achievement tests is far lower" than that of their Western age-mates, show superior scores on tests of figural detail, visual discrimination, figural awareness, memory for geometrical forms, comprehension of rotated figures, and related tests. Such results can be interpreted as due to the demands of the Arctic hunting environment, the richness in Eskimo grammar of prefixes and suffixes specifying shape and location, the socialization and training of children, genetic selection, or a combination of all these factors. Efforts to adapt instructional methods or to supplement traditional instruction to capitalize and build upon such specific intellectual strengths are worth serious attention. So far few Indian children have encountered a curriculum which assessed their positive strengths and built upon these strengths.

The situation of Indian children is paradoxical, in that Indians characteristically show great love for their children. "The Plains Indians, for example, expressed astonishment that settlers struck their children and seemed to value their horses better."[70] Yet many of today's Indian children grow up in great neglect, since the breakdown in traditional values in the face of social disorganization weakens the ability to give traditional care.

"Living on a reservation that is far removed from the mainstream of American life, the Indian is often torn between a desire to remain on the reservation, preserving his tribal culture despite limited economic opportunity, and a desire to break away for a chance at greater economic benefits in an alien environment."[71]

Thus, an Indian parent may keep his child out of school until he is seven or eight years old. Once in school, given such an initial disadvantage, the child may become a truant, rather than express his need - in an alien world - to go to the bathroom. As he becomes a teenager, and the second crisis of leaving school for the world becomes real, the cross-over effect sets in, and he feels "weak inside and powerless".

As Havighurst points out, "the factors which depress school achievement are complex. School achievement of every child depends on the combination of influences in the school, the family, and the local community. When one of these fails

short, the other two are seldom able to make up for it."[72] For the American Indian, the problem stated by Havighurst may be specially intense, in that his tribal background may offer a powerful and living sense of human values which those in his school world know little about or serve only as a subject for sympathy or even scorn. As one writer has put it:

"Among American Indians generally, tribal structural characteristics and values serve to set their members against the norms which prevail in the dominant culture. Tightly integrated institutions, a pervasive religious order stressing particularism, a deep-rooted belief system emphasizing subjugation to nature, and an extended family structure, direct the individual's orientation and commit him to the fate of his group." [73]

Thus: "Estranged from his family, confronted with an alien culture and unable to talk to his teachers, the Indian's academic performance is predictably poor."[74]

One analysis states the case as follows:

"Our observations suggest that the country Indian is not so much pulled out of high school by his conservative elders as he is ejected or rejected by the authorities and by a high school social system that favors the more advantaged and more cautious students."[75]

Thus, the Indian youth, on the verge of maturity, is tempted to conform to the threat that he will "backslide" and

"go back to the blanket". And although he will have feelings of failure, he will also know with some accuracy that he is turning his back upon a system which has no place for some important values he has been taught to cherish. As pointed out by Wax and Wax, "While we participants in Western civilization tend to define education and the motive for attending school in terms of individualistic success, it may be useful to remember that most other peoples have defined and still define education in quite other terms: the religious search for divine truth, the political and nationalistic strivings to develop an indigenous elite, the identification with a revolutionary or nationalistic movement."[76]

The challenge presented by the Indian Education Act of 1972 was well stated years ago in the Merian report: "Everything in the Indian life and surroundings will have to tie into the educational program in a manner now seldom observed."[77]

Priorities in Educational Program Planning

The sketch of American Indian education given in the previous section suggests serious problems at all levels of schooling, and connections between these problems with wider forces outside the narrow world of the school. At the same time, especially due to the youth of the Indian population and the great numbers - over 150,000 and perhaps as many as 225,000 - of school age, education must remain a key point for the modern Indian to address the quality of life for himself

and his children. What guidelines are there to help ensure that a genuine entering wedge can be made in the closed and often vicious circle of problems, to help ensure that energy and funds are not dissipated in wasteful plans and activities?

In attempting to provide useful pointers on program planning, several key problems must be kept in mind.

1. Ambivalence concerning education has deep historical roots. For Indians, the mechanisms of formal education were successively thrust upon them by missionaries who saw them as savages in need of being saved, by emissaries of the War Department of an expanding nation which was destroying their culture and depriving them of their lands, by agents of an economic order trying to transform the Indian into a small individual farmer just when the small landowner was yielding to mechanized agriculture, by functionaries in a remotely controlled and non-responsive bureau who felt that the good of Indian children was served by destroying their family and tribal ties, by agents of a "termination" policy which sought a wholesale diversion of Indians away from reservation life, and finally by teachers ill-equipped culturally or technically to deal with Indian children in ordinary public schools. It is thus inevitable that the Indian question the motives of those who educate, and even where motives pass scrutiny, to find ignorance and ineptitude.

Fortunately, the Indian Education Act offers a mechanism for redress of this imbalance through its provision for Parent Council participation and approval of Part A proposals, its direct funding of Indian groups in Part B, its provision for the training of Indian teachers (also in Part B), and the provision for direct grants to tribes in Part C for adult education.

Another provision of the Act which gives added flexibility to Part A is the allowance that Part A funds can go to schools which are not LEA's (local educational authorities), if the district is on or near a reservation.

2. In addition to traditional and well-justified suspicion concerning educational programs, the very great diversity of Indian groups makes a strict and uniform set of guidelines impossible and inappropriate. It is worth emphasizing that the Indian Education Act departs from the tradition of Federal Aid for Indians in broadening the definition away from the "reservation" or "service" populations.

In the past, a number of Federal laws have awarded money to school districts on the basis of Indian pupils, with the rationale that Indian pupils residing on nontaxable lands constitute a financial burden on the school districts where they are enrolled, which cannot be offset through the local

property taxes which support educational costs for other pupils. These Federal monies, which become part of the operating funds of the recipient district, come from:

Impact Aid (P.L. 81-874), which provided over $23 million in 1971.

School Construction (P.L. 81-815), which provided over $5 million in 1971.

Johnson O'Malley (Peripheral Dormitories), which provided nearly $2 million in 1971.

However, the implications of such amounts for Indian pupils is unclear. The Impact Aid funds, since they are regarded as a substitute for local tax funds, flow to the same budgetary level - the general operating budget of the district. Thus, there is no obligation to spend such funds on behalf of Indian pupils.[78]

In addition, these laws are limited by the major restriction of directing money not to all Indians, but only on the basis of Indians in the special circumstance of living on non-taxable lands.

Many Federal programs offer aid on the basis of educational needs "for all". Examples are Title I of the Elementary and Secondary Education Act (ESEA) which is designed to support remedial and compensatory education in low-income school districts. One might question the need for special Federal aid for Indians if it could be shown that these more general funds operated to bring the same benefits,

It has recently been shown, however, that Indian children are underparticipants in Title I programs for the disadvantaged: although 70% of Indian children were classified as disadvantaged, only a third of them (or about 25% of all the Indians surveyed) were actually in Title I programs. Furthermore, when programs "concentrate" their funds, by providing more intense services for fewer pupils, Indian children are diverted out of participation to an even greater degree.[79] When other Federal programs are taken into account, whose funds could be spent for special programs in which Indians could be included (such as, for example, bilingual programs), analysis shows that those States with the highest percentage Indian population have the lowest concentration of these discretionary Federal monies upon the Indian children in that State.[80]

Thus, general programs of Federal aid have failed to reach Indian pupils in a fair and proportionate degree. On the other hand, all past Federal assistance specifically designated for Indians, has been geared to populations on or near trust land (popularly known, especially to non-Indians, as "reservations"). In the field of education, this restriction has limited the scope of such Federal aid to the 50,000 Indian children in Bureau schools, together with another 90,000 aided by P.L. 874 (Johnson O'Malley Act). The Indian Education Act, in contrast, extends Federal aid to all 300,000 children of school age, reaching, for the first time, an

additional 150,000 Indian children in public schools. Also, the Act invites participation and requires approval on the part of Parent Councils, thus bringing a new source of local control from the Indian community into the education of their young. Since four-fifths of Indian children attend public schools (less than four per cent are in private schools), the great significance of the legal precedent set by this new law - independent of its current level of funding - is obvious.

The importance of this new and broader approach is heightened by the growth of significant Indian communities in major urban areas and other off-reservation concentrations.

In 1968, according to the Community Development Division of the BIA, there were 180,000 Indians living in 41 U.S. cities, each with 1,000 to 35,000 Indian residents. The largest concentrations are:

Los Angeles area:	35,000 Indians, with about 1,500 children and youth.
Minneapolis:	12,000 Indians, with 1,700 of school age.
San Francisco Bay area:	18,000 Indians.
Oklahoma City:	10,000 or more.
Tulsa:	10,000 or more.
Phoenix:	10,000 or more.
Chicago:	10,000 or more.

Havighurst predicts: "In another ten years, Indian school age population in cities will probably be several times as large as it is today." [81]

The Indian Education Act thus represents an important attempt to reflect the increasing diversity - geographical, social, and cultural - of Indian life in the United States today.

The following list of "planning pointers" is offered to stimulate thoughtful consideration of the elements of program planning, proposal preparation, project management, and evaluation, so that the American Indian community can make the Indian Education Act an instrument of its purpose and growth.

A Checklist of Planning Points

Importance of early years. Recent psychological research has stressed the importance of educational growth in early years as having a lasting effect upon intellectual growth. Such findings are of special importance in view of the youth of the Indian population, and its relatively high birth rate.

Planning for early childhood programs should include careful check of the youngest age-groups covered by the Act. If, for example, Part A funds to local LEA's are limited to age levels at which the State legally begins schooling, special provisions may be necessary to develop early childhood programs at a preschool level. Alternatives, such as the

use of non-LEA's, or the tying in of Part A funds for an LEA with Parts B and C funds for community education centers, might be explored.

Parental involvement. The importance of the parents during early development implies that early childhood programs should involve parents both within and outside the school. Parents may need help in responding to such a challenge, and special provisions for enlisting parental support and developing parental skills may be necessary.

Parent-child centers might be develcped where a parent's sense of contribution and accomplishment could develop over a wide range of areas: parental care and diet, principles of public health and preventive medicine, early language skill building, and encouragement of exploration and curiosity on the part of the young, are all important candidates.

Health, mentioned in the above point, is worth independent mention as a subject for curriculum development in schcol and community education projects. Parents, teachers and children should be drawn into a close ring around all phases of health education.

Language development is clearly a central issue in educational planning. A special case arises when the Indian child's home language is not English, especially since Indian languages, not Indo-European in origin, differ in depth from

the language of the school. In such circumstances, the option of a bilingual education program should be carefully considered.

A special study of "language policy in Indian education"[82] recommends that:

> ... Community, tribal, parental decision making should play a strong role in curriculum development, and should make final decisions about the implementation of language policies, including the selection of teachers for special programs.
>
> ... The language of the home should be the language of beginning instruction, and that where the ancestral language is not English, special bilingual programs be developed, with English-as-a-second-language techniques employed in the bilingual program, with teachers fluent in the ancestral language.

Where the spoken language of the Indians has no written counterpart, or where the written form is difficult or passing out of use, written material could be prepared in Roman-Phoenician orthography (the conventional alphabet of English); thus learning to read the native tongue would advance the pupil's grasp of the letter system in which he will also learn English.

Such programs, however, may be difficult to mount for both technical and cultural reasons. One obvious problem

may be the shortage of useful materials in the mother tongue, and also the lack of adequately trained teachers. Such programs need to be planned carefully, and perhaps developed over several years, to avoid the dangers suggested in the following comment:

"In order to help the Indian student adjust more successfully to American schools, social scientists and educators have developed academic programs which stress such approaches as bilingualism and individualized instruction. Indian students, however, regard these solutions as superficial and continue to view the educational system as a basically alien structure. As a result, they remain unmotivated to learn those skills taught in schools which would aid them toward improving their social and economic position."[83]

Development of Indian curricular material is an important option to explore. Such material might best be developed in English, where it could become part of the study material for all students - Indian and non-Indian alike - in the same course. Such material might enhance the Indian pupil's motivation to master English as well as the subject of a course - such as social studies. It would also help offset the naive and bigoted presentation of Indians and Indian history which is still the typical fare in standard textbook treatments of the subject. Needless to say, the benefits of a deeper view would not be restricted to Indian pupils.

Legal education. One particularly promising candidate for curriculum innovation is in the field of legal education. An account of the historical development of law concerning Indians represents a major thread of American history; raises complex issues of Federal, State and local government; illuminates several important Constitutional decisions; and is finally entirely contemporary. There is possibly no other single theme linking American "civics" and history with such power. There is no reason to assume that Indian "heritage" material for grade schoolers need be restricted to arts and crafts and bits of condescending pastoral lore, or that well-developed material could not be used to advance the most sophisticated levels of conceptual development, as well as social and political sophistication.

Teacher-training. The extreme shortage of American Indian teachers has been noted. The problem posed has several parts. One is, of course, the need to attract and train young Indians to the teaching profession; this path is open through projects funded by Part B of the Act. However, neither time nor numbers permit this choice to be taken in isolation. It is also necessary to provide cross-cultural sensitivity training for existing teachers of all kinds. Such training would aim at altering the information background, teaching techniques and skills, and attitudes and values of the teacher, the better to organize effective instruction for

Indian pupils. It might also include the use of Indians as consultants, aides, advisors, and paraprofessionals in the school system.

Local Indian control and autonomy. The Indian Education Act, through its requirement for Parent Council participation and approval, takes an important step in the direction of educational accountability to the concerned "consumer" - the Indian pupil and his parent.

The concept of "community control" is often discussed in purely political terms. It is, of course, a political concept: but appropriately so, just as "representation" or "majority rule" are political concepts. What is important is that a political concept be used to constructive purpose. In the case of education, the link is one of accountability to the consumer; and it operates on several levels at once.

The link between community control and educational growth is expressed by Janice J. Weinman as follows:[84]

Actual Community Control of Education by Adult Generation →	Greater Relevancy of Own Behavior →	Sense of Efficacy Developed by Adult Generation →	Transference of Sense of Efficacy to Children →	Greater Motivation to Achieve Among Students

As Vine Deloria put the matter:

"Tactical efforts of minority groups should be based upon the concept of sovereignty. Only in this manner can they hope to affect policies which now block them from full realization of the nature and extent of their problems...." [85]

Program Evaluation and Revision. No program, no matter how well planned or managed, speaks for itself without some reportable measure of its success in achieving its objectives. To obtain such a measure, of course, objectives must be stated in a measurable form, preferably as part of the initial planning of the program. Provisions must be made for the collection of data as the program develops, so that a solid base exists for the evaluation of the effects of the program. Such evaluation should not be postponed until the program has completed its major phase, since evaluative information, well used, is indispensible in planning revisions and improvements in the program as it moves along. It is important to note that the Indian Education Act requires that such evaluations be conducted, and that it makes funds available to build in evaluation, as part of the program proposal submitted for financial support.

Role of the Indian Community

The Indian community can make the Act work, and through its support, obtain increased funding, greater participation by local education agencies and increased involvement of both reservation and urban Indians. Increased support for the Act is important in the development of relevant educational opportunities for children, moving an increasing number of adults through programs which develop self-support and independence, and the replacement to the

maximum possible extent of the Federal boarding schools with schools and programs in which the Indian community assumes governance and leadership.

The leadership of the Indian community, on and off the reservation, must encourage support for, and participation in, programs and projects funded under the Act in fiscal 1973, and which will remain operational at least through the current fiscal year. The success of the program, in part at least, will be judged by the measure of such support and participation. This first year is a testing period in which the Indian community has an opportunity to participate, and to gain a sense of how participation can change directions and alter programs to meet the human and community needs of developing peoples.

There will be failures and only partial successes, especially during the early period of the Act. These failures need not affect the future adversely if the community itself is able to show that it can learn what is required through its support and participation. The Act requires consultation with Indian parents, teachers, and, where applicable, with secondary school students. It is up to the Indian community leadership to insure that parents and students know about this requirement, and to guarantee that they shall be encouraged to take part in consultations, public hearings, and in the actual development of programs.

Indian organizations, institutions, tribes and other leadership elements can and should work with local education agencies, to provide Indian talent as teachers, guidance officers, counsellors, and as paraprofessionals. The Act specifically emphasizes the use of qualified Indian personnel by local education agencies in developing programs that will increase the educational opportunities of Indian children.

Most of the grants for special projects have been awarded to Indian institutions and organizations. It is especially important, therefore, that these projects shall gain the support of the population they are intended to serve. Here, also, parental participation is mandated by law, and tribal communities are called upon to help to plan and develop these projects and to assume a positive role in carrying them out, and also in their evaluation. A significant responsibility is thus placed upon tribal and other leaders of the Indian community.

The need of the Indian community for adult education is urgent, and the Act, at the least, provides significant opportunity for the expansion and improvement of such projects. Here, also, the law requires the participation of those served and the tribal community. While only 10 projects have so far been funded, their progress will be closely scrutinized within OE, by legislators and by adult educators. If Indian

adult education is to move forward under the Act, community support and active participation must be made manifest.

If significantly greater funding for fiscal 1974 can be obtained, Indian organizations and institutions have an obligation to move to encourage and assist eligible local education agencies to apply. Indian leadership should inform parents of the potential opportunities available to their children, and should obtain their support in working with local boards of education, school superintendents, and others in the education establishment.

Indian tribes, organizations and associations must be informed of the potential for the establishment of special and adult education projects, and be encouraged to apply. Indian leadership, particularly the Indian professionals, have an obligation to work with such organizations in the development of applications and in the marshalling of potential talent for the implementation of proposals.

The opportunity for expanded funding in fiscal 1974 is real. The measure of expansion will, in part, depend upon the support given by the Indian community, and its leaders, to proposed higher appropriations by the Congress.

The Advisory Council itself has an important legislative role. By law, it is directed to advise the Commissioner of Education "with respect to adequate funding"

of the Act. This, in effect, gives the Council the obligation to help to guide the Administration regarding funding needs. The Office of Management and Budget and the White House can be made aware of these needs as a result of funding recommendations made by the Council to the Commissioner.

The annual report that the Council is required to submit to the Congress must, by law, include the funding recommendations made by the Council to the Commissioner. Indian community leadership can serve the purposes of the Act by rallying behind these recommendations in a timely manner.

The Indian Education Act marks the culmination of efforts to bring Indian participation and control into the education of Indian children. It can be a milestone of major proportions in advancing the education and status of the Native American, while defending and retaining all that is rich and fulfilling within his history and culture.

United Action

American Indians, tribally, organizationally and individually have the unique opportunity of shaping a unity in the future of their peoples, through the Indian Education Act of 1972.

The Act provides not only for vast educational opportunities for the very young as well as the adult, but offers educational growth regardless of the cultural environment.

The Congress has provided the law for Indian educational opportunity. It now becomes incumbent upon the Indian people to see that the law is funded each year to function as envisioned by the Congress for the Indian people. Through united action now, the Indian community will serve its children and make its America a land in which all Native Americans can once more walk with pride.

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